

Gerry Gaydos, OSB No. 764138
Gaydos Churnside & Balthrop, P.C.
440 East Broadway, Suite 300
Eugene, Oregon 97401
Telephone: (541)343-8060
Fax: (541)343-1599
Email: gerry@oregonlegalteam.com

Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FRED D. HARUDA and THE FRED D.
HARUDA REVOCABLE TRUST,

Plaintiffs,

v.

RICHARD D. MOULTON; DANIEL D.
MOULTON; COLOCO SPRINKLER, INC., a
Colorado Corporation; ADS ENTERPRISES,
LLC, a Colorado Limited Liability
Corporation; and WTSD, LLC, a Colorado
Limited Liability Corporation,

Defendants.

Case No. 6:15-CV-00719

STIPULATION AND ORDER RE:
POTENTIAL RESOLUTION OF
DISPUTE

Pursuant to the Stipulation and Order Re: Abeyance of Discovery and Pretrial Deadline ("Order"), Defendants have provided information and an accounting to Plaintiffs, the parties have conferred regarding the accounting and have been unable to agree upon the adequacy of the accounting and the documents that are necessary to supplement the accounting and the parties have not been able to engage in negotiations regarding a potential resolution of the case.

Pursuant to the Order, the parties request the assistance of a Settlement Judge and the scheduling of a Judicial Settlement Conference. To facilitate potential resolution, and avoid unnecessary costs and accounting, the Settlement Judge shall set a deadline for production of the accounting and documents and will determine the adequacy of the accounting and schedule a Settlement Conference.

IT IS HEREBY ORDERED AS FOLLOWS:

1. Magistrate Thomas Coffin shall schedule a Settlement Conference and shall resolve all disputes regarding the adequacy of the accounting and information provided by Defendants.

2. Defendants shall supplement the accounting, to show all sums deposited by Plaintiffs, or either of them, or on Plaintiffs' behalf, the withdrawal of such sums by any means, which accounting shall include copies of checks, deposit slips and bank statements, debit card withdrawals, counter withdrawals, wire transfers for the following bank accounts from the inception of such accounts to the present, except as otherwise provided:

- (a) ADS Enterprises, LLC, a Colorado limited liability company ("ADS");
- (b) WTSD, LLC, a Colorado limited liability company ("WTSD");
- (c) Including deposits by ADS into the WTSD account;
- (d) Any bank account owned by Defendants into which funds were deposited and/or transferred from ADS, WTSD, the Fred D. Haruda Revocable Trust and/or Fred Haruda. As to the personal accounts of Richard D. Moulton and/or Daniel D. Moulton, the requested documents are not required from the inception of such accounts, but limited to the bank accounts described in this Paragraph 2(d), which documents, if any, shall

be modified in a manner to show only relevant deposits or transfers and all other information shall be redacted; and

(e) All parties agree to hold all of the information in confidence and not use or disclose the information, except to assist in the settlement of the above-captioned matter.

4. Defendants shall also provide an accounting for any other deposits in the above-described bank accounts that were not made by Plaintiffs.

5. The above shall be provided to Plaintiffs on or before March 25, 2016, 2016. If Plaintiffs determine that the accounting and information continues to be inadequate, Plaintiffs shall file a motion with Magistrate Coffin, who shall resolve any disputes regarding adequacy of the accounting and schedule the Settlement Conference.

DATED:

February 29, 2016


~~CHIEF~~ JUDGE ANN L. AIKEN

IT IS SO STIPULATED,

GAYDOS CHURNSIDE & BALTHROP, P.C.

By: /s/Gerry Gaydos
Gerry Gaydos, OSB No. 764138
Of Attorneys for Defendants

LANE POWELL, P.C.

By: /s/David G. Hosenpud
David G. Hosenpud, OSB No. 832414
Of Attorneys for Plaintiffs